IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2630 OF 2004

Mr. Radheysham Agarwal & 2 Ors ...Petitioners

Versus

State of Maharashtra & 2 Ors ...Respondents

.....

Mr. Dilip Tiwari i/b K.J. Reddy, Advocate for Petitioners

Mr. Prakash Naik, Adv. for Respondent No.2.

Mr. D.P. Adsule, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 9TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioners, the learned advocate for the respondent No. 2 i.e. original complainant and the learned A.P.P. for the State.

2. The petitioners have prayed for quashing of process issued against them in Criminal Case No. 3284/S/2002 which is pending in the Court of learned Metropolitan Magistrate, 10th Court, at Andheri, Mumbai. In the said case, process has been issued against the petitioners under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today. The learned advocate for the respondent No. 2 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

*****